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09/992,125	11/13/2001	Gunawan Ali-Santosa	SUN-P6542	4647

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EXAMINER

FRANCIS, MARK P

ART UNIT	PAPER NUMBER
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2193

DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/992,125

Applicant(s)

ALI-SANTOSA ET AL.

Examiner

Mark P. Francis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

RJ

**DETAILED ACTION**

1. This action is responsive to the amendment filed June 02, 2005.
2. Per applicants' request, claims 1,11,17 and 23 have been amended.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

4. A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1,3,4,6-11,13-17,19-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Pedrizetti (6,789,255).

With respect to claims 1,11,17,23,and 29, Pedrizetti teaches an apparatus (See Fig. 1)

for remote software code update, comprising:

a memory comprising a first code space, a first data space, a second code space and a second data space, each of said spaces comprising at least one segment;(Col 2, lines 36-64, "...The memory system...", Col 3:16-58, "...and the update data appropriately segmented...")

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a processor(See Fig. 7, elements 704,706,and 708) configured to execute instructions in a first program resident in said first code space until and update command is received (Col 1, lines 33-43, "...refers to the computer or organization receiving updated files."), said processor further configured to transfer program control to a second program executing in said second code space when said update command is received,(Col 5, lines 5-11, "...after transfer to the client,...") said processor further configured to select one of said at least one segment, (Col 4, lines 51-67, "...the user may select which...") map said selected segment to data space.(Col 1, lines 50-67 , "A many-to-one mapping function..." and Col 2, lines 1-5) and write said selected segment. (Col 6, lines 13-24, "...allows for writing programs...")

With respect to claims 2,12,18,and 24, the 102 rejection of claims 1,11,17,and 23 are incorporated and further, Pedrizetti teaches wherein said processor is further configured to repeat said selecting, said mapping and said writing until each of said at least one segment that comprises at least part of said first program have been written.(Col 4, lines 13-23, "...these identifiers being uniquely assigned for each hardware or software module that may be upgraded")

With respect to claims 4,14,20,and 26, the 102 rejection of claims 1,11,17,and 23 are incorporated and further, Pedrizetti teaches wherein said first and said second program are written for execution on an embedded device.(See Fig. 7, element 704,706,708,

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Client CPU).(Col 2, lines 48-64, "Main memory stores programs, such as a computer operating system and currently running application programs.")

With respect to claims 6,15,21,and 27, the 102 rejection of claims 1,11,17,and 23 are incorporated and further, Pedrizetti teaches wherein said first program comprises a main program;(Col 2, lines 45 and 46, "...instructions from a computer program such as an application program")

and said second program comprises a boot program (Col 2, line 46, "an operating system").(Col 2,lines 36-56, "...such as an application or an operating system...")

With respect to claims 7,16,22,and 28, the 102 rejection of claims 1,11,17,and 23 are incorporated and further, Pedrizetti teaches wherein said first code space is larger than said second code space.(Col 3, lines 16-42, "...However, unlike its server counterpart, the client does not maintain update data for each module...")

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 3,13,19,and 25 are rejected under 35 U.S.C. 103 as being unpatentable over Pedrizetti in view of Gabel. (5,930,504)

The above rejection of 35 U.S.C. 102 is incorporated and further, Pedrizetti does not show wherein said processor is further configured to erase said selected segment after said mapping and before said writing.

Gabel shows wherein said processor is further configured to erase said selected segment after said mapping and before said writing(Col 4, lines 33-47, "include the ease and programming...") in an analogous art for the purpose "to provide an improved nonvolatile memory update process to help reduce the number of variations of an update file previously required to accommodate updating a variety of computer systems."(Col 2, lines 48-51)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include the functionality of removing any forms or segments of code before it is written to file in the event of an error during the update process.

The modification would have been obvious because one of ordinary skill in the art would have been motivated to "to provide an improved nonvolatile memory update process to help reduce the number of variations of an update file previously required to accommodate updating a variety of computer systems."(Col 2, lines 48-51)

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pedrizetti in view of Gabel.(5,930,504)

The above rejection of 35 U.S.C. 102 is incorporated and further, Pedrizetti does not show further comprising: resetting said embedded device; determining whether said first code space is valid; transferring program control to said first code space when said first code space is valid; and continuing execution from said second code space when said first code space is invalid.

Gabel shows further comprising: resetting said embedded device(Col 8, line 61, "processor" and See Fig. 1, element 110, "Processor"); (Col 8, lines 60-65, "...requires a reboot, then the processor...")  
determining whether said first code space is valid; (Col 7, lines 29-36, "...to determine whether...")  
transferring program control to said first code space when said first code space is valid; (Col 7, lines 47-67, ... "If the update file is the source of the protected procedures..."),  
and continuing execution from said second code space when said first code space is invalid in(Col 8, lines 7-55, "...the protected procedures copied from nonvolatile memory...") an analogous art "to provide an improved nonvolatile memory update

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process to help reduce the number of variations of an update file previously required to accommodate updating a variety of computer systems.”(Col 2, lines 48-51)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to determine the validity of program code space before transferring program control to the respective area.

The modification would have been obvious because one of ordinary skill in the art would have been motivated to “to provide an improved nonvolatile memory update process to help reduce the number of variations of an update file previously required to accommodate updating a variety of computer systems.”(Col 2, lines 48-51)

### ***Response to Arguments***

9. Applicant’s arguments filed on June 2,2005 have been fully considered but they are not persuasive. Following is the Examiner’s response to Applicants’ arguments.

With respect to claims 1,11,17,23, and 29, Applicant essentially argues that Pedrizetti et al fails to identify any teaching of code space or data space and Pedrizetti does not disclose the spaces being segmented.

In response the Examiner disagrees, notes Col 3, lines 16-39, Pedrizetti teaches a database that contains entries corresponding to each updateable program module. In



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addition, he also teaches that each entry contains data that includes the module name and corresponding tracking information. The database contains for every module version the corresponding update data that would bring the module up to date, thus disclosing identifying data or code spaces of program modules to be updated, along with segmenting all of the multiple module's older versions for access by the client.

### ***Conclusion***

**10. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**11.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark P. Francis whose telephone number is (571)272-7956. The examiner can normally be reached on Mon-Fri 8:00-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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